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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 000518

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SUBJECT: TURKEY: AKP CLOSURE CASE UPDATE (3/18)

REF: ANKARA 513

Classified By: Political Counselor Janice G. Weiner, for Reasons 1.4 (b ,d)

¶1. (C) SUMMARY AND COMMENT. Forceful reactions to the closure case against ruling Justice and Development Party (AKP) continue. Politicians and media are connecting the closure case with the government's crackdown on the Ergenekon gang (a band of retired military and others charged with assassinations and preparing a coup). AKP appears to be finding renewed motivation to pass and implement democratizing reforms, some of which may further fuel the fears of Kemalist sectors. In the ongoing media furor, the courts are demonstrating a united front and warning against insulting the chief prosecutor, which could presage many more legal cases to come. END SUMMARY AND COMMENT.

#### Status of the Legal Case

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¶2. (U) Constitutional Court Vice Chairman Osman Paksut stated that the formal study of the indictment has begun. Rapporteur Osman Can has 10 days to determine whether the indictment is in a form acceptable to the court. If the indictment is accepted, AKP will have one month to prepare its defense and the option to seek more time.

#### Markets Stabilizing, Also Caught in Global Upheaval

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¶3. (SBU) Turkish financial markets stabilized on Tuesday, and are largely tracking activity in emerging markets globally. The lira gained around two percent against the dollar by midday, and the Istanbul Stock Exchange (ISE) index gained 3 percent. While private sector analysts continue to see the closure case as very negative for Turkish markets, they note the court process will take months. It is hard to make the case that Turkish markets have yet been materially damaged by it. GOT economic officials and private analysts have indicated that there is no way to distinguish how much of Turkey's financial gyrations since Friday were caused by global conditions and how much by the closure case. They will only be able to measure that if and when there are positive developments in global emerging markets and they see how Turkish assets fare compared to their peers.

#### Reforms Reinvigorated

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¶4. (C) AKP is preparing a three-pillared reform plan to: make constitutional changes; dust off a shelved revision to the political parties law; and end the authority of the prosecutor to file closure cases on his own. AKP officials are reportedly studying European countries' laws on political party closure in order to prepare a text suitable for Turkey.

The measures are designed to: make party closure virtually impossible; broaden the legal scope for parties by lifting prohibitions both on languages other than Turkish and on terms like "communist," "theocratic," and "national socialist"; and deepen parties' internal democracy by requiring parties to hold primaries (leaving a limited number of deputies to the discretion of party leadership). The punishment of a five-year political ban on individuals -- currently sought against 71 AKP officials -- would be replaced by barring them from the next election. Private donations to parties by real or corporate persons would be limited to YTL 10,000 per year. Authority for financial auditing would be transferred from the Constitutional Court to the High Court of Accounts (Sayistay). Authority to open a closure case would probably be directed to an interjudicial committee.

¶5. (C) Opposition Nationalist Action Party (MHP) had expressed support for making party closure more difficult, but MHP wants to exclude protection for parties accused of terrorist offenses. AKP Vice Chairman Dengir Firat argued by contrast that there should be no exceptions. However, such changes would not affect the current case against AKP.

#### Statements

¶6. (SBU) Prime Minister Erdogan, in an extraordinary

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parliamentary group meeting March 17, reportedly said, "This is being done just because we are trying to uproot gangs within the state, as is the case with the Ergenekon operation.... This is the work of political engineers." Erdogan stated that AKP could benefit from this process. He urged parliamentarians not to lose focus or be discouraged; he instructed them to maintain solidarity and moderation, and not to make unnecessary comments about the case. "Keep concentrating on the municipal elections," he said.

¶7. (SBU) CHP leader Baykal broke his silence March 17 to say that in a democratic environment, no one would be pleased at the closure of a political party -- he himself had experienced a party closure and political ban after the 1980 coup -- but implied that AKP may have done things to justify such a case.

¶8. (SBU) President of the Court of Appeals (Yargitay) Hasan Gerceker issued a statement warning that individuals and institutions should exercise their right to criticize without exceeding the boundaries of respect. Some Yargitay judges urged Gerceker to convene the Chairmanship Board and issue a collective statement. Yargitay chief prosecutor Yalcinkaya has come under direct personal criticism for the case; media reports say that members of the court rallied around him yesterday to shake his hand and show support.

¶9. (SBU) Retired Chief Prosecutor Ahmet Gundul said that he believed the primary purpose of the case was to wear the government out and damage Turkey's European Union process. He emphasized that the case is mostly political, urging, "Everyone who believes in democracy, whether they voted for AK Party or not, should show their reaction in the strongest way."

Commentary: This Coup is the Ultimate Effort to Stop History

¶10. (SBU) European Parliament's Co-Chair of the Joint EU-Turkey Parliamentary Committee Joost Lagendijk in the English-language Today's Zaman declared, "This coup is the ultimate effort to stop history." He argued that AKP's

accommodation with the military last fall -- that the military would quiet down on the political front and it would be able to prove itself in the fight against terrorism -- made AKP "so confident (some would say arrogant)" that it didn't bother to create trust among the public. This attitude made the hard core of the dogmatic secularists desperate. He pointed out that most judges and prosecutors feel so strongly about the perceived threats to Turkey that they believe both rule of law and the democratic election results could be overturned if necessary. Lagendijk expressed the hope that this moment would be a turning point in Turkey's commitment to democracy and reform. His article was not carried in the Turkish-language papers, but hardline nationalist Yeni Cag referred to it as an example of "Europe sending insults."

¶11. (SBU) Cengiz Candar "Referans" commented that the closure case appeared to be the product of a "broader political engineering" process that went beyond the Chief Prosecutor. He claimed it was aimed at exploiting internal fissures in AKP. He argued that this was part of a medium- to long-term plan to drag Turkey into instability. He criticized the perpetrators of this plan as "so ideologically bankrupt" that the indictment (like the April 27, 2007 military e-memo) was written in bad Turkish with weak reasoning. He linked the "Ankara bureaucracy," the CHP, and some media to a systematic rebellion against AKP. He urged AKP to revitalize its democratic and reformist spirit.

¶12. (SBU) Sahin Alpay "Zaman" suggested AKP dust off the draft civilian constitution and accelerate EU reforms in parliament.

¶13. (SBU) Mehmet Ali Birand in "Posta" warned that if AKP and (pro-Kurdish) DTP (which currently has a closure case outstanding against it) were shut down, Turkey would experience chaos and instability, and asked if Turkey would promote another military coup. He quoted Soli Ozel saying that Turkey was going through a new "judicial February 28

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process." He also criticized AKP for ignoring the fears of some sectors of society.

¶14. (SBU) Ertugrul Ozkok "Hurriyet" referred to the concerns of some (including himself) about the AKP; he expected AKP to build confidence. He stressed the importance of a new social consensus that would rule out allegations that the secularism principle had been eroded.

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